REMARKS

The office action dated December 20, 2005 has been carefully considered, together with the prior art cited and the application as filed. It is noted with appreciation that the examiner has recognized patentable subject matter to exist inasmuch as claims 5, 6, 8, 9, 12, 14-17 and 24-26 have only been objected to.

The examiner has rejected claims 1-19 and 21-26 under 35 U.S.C. 112, second paragraph, as being indefinite because of the recitation of the term "the ground" in line 12. Applicant respectfully traverses this rejection. It is noted that claim 20 was not similarly rejected even though it also contains the word "ground" but is recited in slightly different manner in that it uses the phrase "ground-engaging front contact point." It is believed that this rejection clearly elevates form over substance for no apparent reason except hyper-technical considerations. It is clear to anyone, not just one of ordinary skill in the art would recognize that a rolling stand of the type disclosed and clearly described throughout this patent application is one which will have contact with the ground. Changing the claims to recite "a ground" as opposed to "the ground" makes no sense, nor does changing the claim to read "defining ground-engaging contact point" as opposed to the existing "contact points with the ground." Common sense dictates that such claim changes are unnecessary, and have no relation to patentability. However, if the examiner maintains this rejection, applicant is willing to provide language similar to that contained in claim 20.

With regard to the rejection of claims 1-4, 7, 10, 11, 13 and 18-23, under 35 U.S.C. 102(b) as being anticipated by Gress, this rejection is similarly traversed. Gress totally fails to anticipate, teach or suggest the subject matter of these claims. While claims 1 and 20 have been amended, they have been amended to remove an unnecessary limitation and therefore have been made for purposes unrelated to patentability.

While Gress has a broadly similar appearance and is directed to a foldable stand for a threading machine, it certainly fails to anticipate, teach or suggest claim 1, for example, because it operates substantially differently than the stand set forth in claim 1.

By way of background, the specification at page 4, lines 21 through page 5, line 8 describes the stand in general and is set forth below:

The various embodiments of the collapsible rolling stand of the present invention have the common design feature that includes a top frame upon which an object such as a table saw or the like can be attached and a folding mechanism that includes at least first and second members that are pivotable relative to one another and which resemble a scissor movement, with the center of gravity of the object that is attached to the top frame being located between the ground contacting ends of each of the first and second members. This enables the weight of the object to assist the unfolding of the stand which causes the object to move from a generally vertically oriented position to a generally horizontal position. Because the center of gravity of the object is between the ground contacting ends of the first and second members, the stand can be easily folded back to the collapsed generally vertical position without significant exertion by a user performing either operation. Unlike many prior art rolling stands, the user does not have to provide any heavy lifting in order to set up or break down the stand with the object attached to it. In this regard, a user can completely set up or knock down the stand by holding the handle and gently urging it in one direction or the other to open or close it. It is only necessary to manipulate a locking mechanism to release it from a closed position and to lock it when it has been moved from an opened position to its closed position.

Gress totally fails to operate in this described manner and the subject matter of claim 1 defines a rolling stand in language that clearly distinguishes over Gress. Claim 1 is directed to a collapsible rolling stand for use with an elongated normally horizontally oriented object attached thereto, wherein the object is generally vertically oriented when the stand is closed and in a generally vertical orientation and wherein the object is generally horizontally oriented when the stand is in its open position. This preamble in and of itself distinguishes over Gress as Gress has its object, which is the threading machine generally horizontally oriented in both the open and closed position. The closed

position is shown in Fig. 3 where it is virtually in the same position as when it is opened which is shown in Fig. 2.

Moreover, Fig. 4 illustrates that there is are projections 80 which are described to "extend from the wheels in the rearward direction with respect to the working end of the threading machine 12 and are closely spaced and generally parallel to underlying surface S. Accordingly, should a workman introduce a work piece W into the threading machine which would extend to the left of the machine as seen in Fig. 2 to such an extent that the weight of the workpiece would tend to tilt the stand and threading machine counterclockwise relative to the axis of wheel axis 64, *projections 80 will engage the underlying surface as to restrain such tilting displacement* and thus avoid potential damage to the machine and/or injury to a workman which could occur if such tilting were not so restrained." This is set forth in column 8, lines 48-62.

Clearly, the design of Gress is to prevent the object from reaching a vertical orientation. Not only is this distinction made in the preamble of claim 1, but the stand is stated to comprise, *inter alia*, "a folding mechanism supporting said top frame . . . said first and second member being pivotally connected to one another and configured so that the weight of the object provides a substantial portion of the necessary force needed to pivot said first and second pairs of members to further separate said forward contact point from said rear wheels and move said stand from said closed position to said open position where said top frame planar portion is substantially horizontal."

Since the Gress object is never generally vertically oriented when the stand is closed, it cannot anticipate, teach or suggest a folding mechanism as defined in this claim. Moreover, it simply does not operate in the manner of the stand set forth in claim 1. Gress has a hand crank 40 that is used to fold and unfold the stand as is described at column 7, line 25-49 and column 8, lines 21-47. In fact, in column 8, lines 30-37, it is described that it is advantageous that the jackscrew arrangement enables the threading machine to be elevated to any desired position above the underlying support surface up to the position shown in Fig. 2 so as to provide a working position most suitable to a given

workman. This clearly indicates that there is no movement between a vertical orientation of the object when the stand is in the closed position and a horizontally oriented object when the stand is in its opened position.

Newly submitted claim 27 also further defines the stand in language wherein said first and second members are configured so that the weight of the object provides a substantial portion of the necessary force needed to pivot said first and second pairs of members to move said stand from said open position to said closed position where said top frame planar portion is in a generally vertical orientation. This is clearly supported by the language set forth above from pages 4 and 5 of the specification and indicates that the configuration is such that a user is not required to exert more than a small force to move the stand between its opened and closed positions. This feature is similarly claimed in allowable claim 14 which has been amended to more properly depend from claim 1.

The arguments that have been advanced with regard to allowability of claim 1 equally applies to claim 20. Moreover, the dependent claims necessarily include the subject matter of the claims from which they depend, in addition to reciting other features not found in those claims and for these reasons, it is strongly believed that the dependent claims are neither anticipated, taught nor suggested by Gress, applied singularly or in combination with any other art of record and reconsideration and allowance of these claims is respectfully requested.

Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,

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